



(c) an oxygen-permeable outer-layer, wherein said oxygen-permeable layer is in communication with said heating element, permits oxygen from the environment to contact said heating element, and substantially inhibits the permeation of water from the heating element into the environment;

(d) an active agent; and

(e) a water-impermeable layer, wherein said water-impermeable layer separates said heating element and said active agent;

wherein upon the rupturing of said liquid reservoir, said water contacts said heating element and said oxygen to create an exothermic reaction.

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### **REMARKS/ARGUMENTS**

Claims 1-20 remain in this application. Claim 1 has been amended to state that the reservoir is a capsule containing water and to correct typographical errors in the claim. Support for this amendment to claim 1 is found on page 16, lines 16-28. Accordingly, no issues of new matter are believed to be raised by the above amendment to the claims.

#### **Rejection Under 35 USC 112**

Claims 1-20 were rejected under 35 USC 112, Second Paragraph as being indefinite for lack of antecedent basis for the recitation of "said heating element." See Page 2 of the Office Action. Applicants have amended this typographical error in claim 1. Accordingly, Applicants respectfully request that this rejection under 35 USC 112 be withdrawn.

#### **Rejection Under 35 USC 102**

Claims 1-8, 10, 11, and 13-30 were rejected under 35 USC 102(e) as being anticipated by Zhang et al. (U.S. Patent No. 6,245,347). See Page 3 of the Office Action. Applicants respectfully disagree. According to the Office Action, "Zhang et al. discloses an exothermic device for topically delivering an active agent comprising a liquid reservoir . . . ." The "liquid reservoir" of Zhang et al., however, is different from that of the present invention. As set forth in claim 1 of the present invention, the liquid reservoir is a capsule comprising water, and the water contacts the heating element upon rupturing the reservoir. In contrast, the device disclosed in Zhang et al. has water pre-mixed with the oxidizable material. See col. 7, lines 54-56; col. 11, lines 45-47;